

REGULAR MEETING OF THE IRVING CITY COUNCIL
June 28, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on June 28, 2007, at 7:00 P.M. The following members were present:

Mayor Herbert A. Gears

Councilmembers

Thomas D. Spink

Beth Van Duyne

Allan E. Meagher

Lewis Patrick

Rose Cannaday

Rick Stopfer

Sam Smith

Councilman Joe Philipp was not in attendance.

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

Marian Guthery, 1801 Betsy Lane, presented a cookbook to the Mayor and Councilmembers that was made up of recipes from their neighborhood association, the Hospital District.

INVOCATION

The invocation was delivered by Pastor William O'Neal, New Life Church, of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears made a special presentation to the Irving Explorers team Post 252 to recognize the trophies the team won in a recent competition. Post 252 received trophies in "Unknown Call for Police", "Crime Scene Search", and "Felony Traffic Stops". The recognitions were accepted by the following:

- Brandon Green
- Josh Boynton
- Laci Johnson
- Ashten Garza
- David Godinez
- Amanda Campbell
- Alyssa Clark
- Carter Jonson
- Taylor Jones
- Nikki Wolfong
- Miguel Sanchez

Mayor Gears announced the winners of the Fire Fighter Father's Day Coloring Contest. The children of the Irving Fire Department were encouraged to submit art work depicting what their father did while at work in honor of Father's Day.

Recognition was accepted by:

- Grand Prize Winner: Alissa Blalock, Child of Jeff Blalock
- 2nd Place (3-5 Yrs Old) Kolby Lombard, Child of Tony Lombard
- 2nd Place (14-17 Yrs old) Stafani Lombard
- 2nd Place (6-9 Yrs Old) Carlen Payne, Child of Robert Payne
- 2nd Place (10-13 Yrs old) Whitney Walker, Child of David "DK" Walker

Mayor Gears recognized two citizens as High Spirited Citizens. The two awarded are valued volunteers within the community especially with the Boys Scout and Cubs Scout Programs.

Accepted By:

- Ken and Rosa Gordon

Mayor Gears acknowledged a City employee for his efforts in promoting professionalism and safety among field employees in Solid Waste Management.

Accepted By:

- Richard Sprague – Senior Heavy Equipment Operator at the Landfill, recently Mr. Sprague competed in the Texas Lone Star Chapter of the Solid Waste Association of the North America Rodeo and placed 2nd in the Dozer event and is now eligible to compete at the International Rodeo to be held in New Jersey later this year.

CITY COUNCIL AGENDA

1 City Manager's Report

Goal No. 1: Land Use

- Vacant Buildings - The City Of Irving is better equipped to address buildings that have been vacated and abandoned on a long-term basis, thanks to a city code amendment approved by City Council on June 14, 2007. The amendment added to the definition of dangerous buildings "those structures which, although structurally sound, are nevertheless inadequately secured from unauthorized entry by children, vagrants and others." This change will allow the Building and Standards Commission to utilize the full range of options authorized by Chapter 54 of the Texas local Government Code to vacant buildings. The options include requiring an owner to demolish a building; authorizing the city to demolish the building if the owner fails to do so; and applying a lien to the property to recover associated costs.

Goal No. 2: Vibrant Neighborhoods

- Alan-A-Dale – The property at 2616 Alan-A-Dale has been cleaned up and now complies with the city's code requirements. This action follows a May 24, 2007, City Council actions that authorized the city attorney to file a suite and take action, following the failure of the property owner to remove the salvage parts, vehicle bodies and inoperative vehicles, and other trash/debris from the property. On June 5, 2007, Attorney Brenda McDonald and Environmental Services Manager Teresa Adrian met with the property owner and reached an agreement that the property was to be in full compliance by June 17, 2007, or city staff was authorized to contract for clean up of the property. Because there was significant progress observed during follow-up visits, the owner was granted an extension until June 20, 2007 to complete the removal of items. On June 21, 2007, a follow-up inspection was conducted and the property was found to be in compliance.
- New Code Enforcement Procedures for Violators – Earlier this month, the code enforcement marshal began executing initial and follow-up citations within two working days as part of a more aggressive approach to resolving code violations. A follow-up within two inspections is scheduled 10 days following the issuance of the citation. If the violation still exists after 10 days, the marshal will issue a second citation and schedule another 10-day inspection. If the violation exists after the fourth inspection, the violation will be referred back to Code Enforcement for consideration of other legal options. This more aggressive approach still allows violators multiple opportunities to voluntarily comply prior to involving the code enforcement marshal.

Goal No. 4: Safe and Secure City

- Certificate of Occupancy Revocation – On June 14, 2007, the City Council amended the city code to set new requirements for owners of apartment buildings. If an apartment building's certificate of occupancy is revoked, the building owner will be required to make life-safety upgrades before a new certificate of occupancy is issued. These upgrades include compliance with current code requirements for electrical systems and the installation of fire protection systems such as fire alarms and fire sprinklers.
- Family Advocacy Center – The Family Advocacy Center was recognized by the Texas Office of the Attorney General (OAG) as a model for collaboration and victim advocacy for law enforcement agencies. Staff at the Advocacy Center has been asked to speak at the 2007 OAG Conference in November regarding the services that Irving provides and the collaboration with outside agencies.

Goal No. 9: Infrastructure Network

- Lake Chapman Update – Continued rains have helped to offset the lower-level at Lake Chapman, which is the city's primary source of water. The water surface

elevation in Lake Chapman increased to 436.56 feet as of June 26, 2007, which is 5.3 feet below conservation level. This compares to the water surface elevation on June 6, 2007, which was 432.83 feet or 7.17 feet below conservation level,

- Road Closures were also sent out to the Mayor and Council, also for citizens that want to know about road closures can go to the cityofirving.org to get information, as a result of continuing rain.

PUBLIC INPUT HEARING

File No. 6-28-07-239 -- Public Hearing -- Public Input On The 2007-2008 City Of Irving Fiscal Year Budget

Mayor Gears stated that citizens are invited to comment upon City operations and to express their views as to how funds should be expended.

Billie LeMaster, 218 Bowman, stated that since the murder of her daughter in June 2004, she has been a frequent client of the Irving Family Advocacy Center as they have helped her deal with the emotion of being a co-victim of homicide. In the time she has spent there, she has become aware of the incredible work being done by this facility. Not only with victims of crime, but with intervention counseling with youth referred through the schools, first offender programs and many other programs, including domestic violence. She stated that there is a need for bi-lingual counselors and asked the Council to consider funding for this in the budget.

Betsy Ann Harris, 4010 Olympia Street, stated that the Animal Control Department and the Police Department should work together to deal with the loose animals and the vicious dogs. She stated that there are pit bull dogs in her neighborhood. She asked that the Council add more Animal Control officers to address these issues.

Lucia Rottenberg, 2220 Indian Creek, spoke about water conservation. She also asked that pocket parks be planned as xeriscape and benches and shade trees be added.

CONSENT AGENDA

The consent agenda, items #2 through #32, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. There were no requests. **Councilman Stopfer moved to approve the consent agenda, items #2 through #32. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.**

- 2 Resolution No. 6-28-07-240** -- Approving The City Council Retreat Minutes Of May 25, 2007 And June 15, 2007, The City Council Meeting Work Session Minutes Of June 13, 2007, And The City Council Meeting Minutes Of June 14, 2007
- 3 Resolution No. 6-28-07-241** -- Authorizing The Mayor To Sign A Rental Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau

(ICVB) And Crown Suite, Ltd. In The Amount Of \$65,000.00 To Lease A Crown Suite II At Texas Stadium For Promotional Uses

- 4 **Resolution No. 6-28-07-242** -- Authorizing The City Of Irving/Irving Convention And Visitors Bureau (City/ICVB) To Negotiate A Contract With An Architectural Firm(s) As Designated Through The RFQ Process And Recommended By The ICVB Board Of Directors To Serve As The Architect(s) For The Multi-Purpose Facility And Related Facilities Project
- 5 **Resolution No. 6-28-07-243** -- Approving An Agreement Between The City Of Irving/Irving Convention And Visitors Bureau (City/ICVB) And Hillier Architecture To Provide Master Planning Architectural Consulting Services For The Multi-Purpose Facility And Related Facilities Project In An Amount Not To Exceed \$212,000.00
- 6 **Resolution No. 6-28-07-244** -- Authorizing The City Of Irving/Irving Convention And Visitors Bureau (City/ICVB) To Award A Contract To SMG To Serve As The Facility Operator For The Multi-Purpose Meeting Facility Project As Unanimously Recommended By The Irving Convention And Visitors Bureau Board Of Directors
- 7 **Resolution No. 6-28-07-245** -- Approving Work Order Authorization No. 2 To The Initial Master Agreement With ADMI, Inc. For Project Management/Owner's Representation Services In The Master Plan Development Phase Of The Multi-Purpose Facility And Related Facilities In An Amount Not To Exceed \$75,000.00
- 8 **Resolution No. 6-28-07-246** -- Authorizing Staff To Negotiate A Professional Services Contract With Wiginton Hooker Jeffry, P.C., Architects For The Architectural And Engineering Design Of The New Animal Shelter
- 9 **Resolution No. 6-28-07-247** -- Approving A Professional Services Contract With MESA Design Associates, Inc. In The Amount Not To Exceed \$205,000.00 For The Design Of Veterans Memorial Park
- 10 **Resolution No. 6-28-07-248** -- Awarding A Bid To J. C. Commercial, Inc. In The Net Amount Of \$1,860,477,00 For The Renovation And Expansion Of Lively Pointe Youth Center
- 11 **Resolution No. 6-28-07-249** -- Approving Change Order No. 1 In The Amount Of \$86,700.00 To The Contract With J. C. Commercial, Inc. For The Construction Of The Lively Pointe Youth Center
- 12 **Resolution No. 6-28-07-250** -- Approving An Agreement Between The City Of Irving And The Public Agency Retirement Services (PARS) To Administer A 457 Social Security Alternative Retirement Plan For Part-Time, Seasonal And Temporary Employees Effective July 1, 2007
- 13 **Resolution No. 6-28-07-251** -- Suspending The Effective Date Of The Proposal By Atmos Energy Corporation To Increase Gas Rates

- 14 **Resolution No. 6-28-07-252** -- Approving Amendment No. 2 To A Contract With Kissinger & Fellman, P.C., For An Additional Amount Not To Exceed \$15,000.00 For Outside Legal Counsel
- 15 **Resolution No. 6-28-07-253** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Nathan D. Maier Consulting Engineers, Inc. For The Design Of The Running Bear Park Levee Wall
- 16 **Resolution No. 6-28-07-254** -- Approving A Consulting Agreement Between The City Of Irving And Chiang, Patel & Yerby, Inc. In The Amount Of \$23,500.00 For The Development Of An Environmental Compliance Document Tracking System
- 17 **Resolution No. 6-28-07-255** -- Approving A Consulting Agreement Between The City Of Irving And Kimley-Horn And Associates, Inc. In The Amount Of \$10,000.00 For The Study Of The South Irving Transit Area
- 18 **Resolution No. 6-28-07-256** -- Approving An Engineering Design Services Agreement With GSWW, Inc. In The Amount Of \$173,929.40 For The Design Of The 2007 Concrete Sanitary Sewer Interceptor Replacement Project
- 19 **Resolution No. 6-28-07-257** -- Approving An Engineering Design Services Agreement With Birkhoff, Hendricks, And Conway, LLP In The Amount Not To Exceed \$188,120.00 For The Design Of The Nursery/Railroad Basin Sanitary Sewer Main Inflow/Infiltration Improvements Project
- 20 **Resolution No. 6-28-07-258** -- Approving An Engineering Services Agreement With Half Associates, Inc. For Annual Structural Engineering Services
- 21 **Resolution No. 6-28-07-259** -- Approving Change Order No. 1 To S. J. Louis Construction Of Texas In The Amount Of \$81,874.75 For The Dry Branch Creek Interceptor Sanitary Sewer Improvements, Stage III Project
- 22 **Resolution No. 6-28-07-260** -- Authorizing Staff To Negotiate A Consulting Agreement Between The City Of Irving And Kimley-Horn And Associates, Inc. For Transportation Services In The Urban Center
- 23 **Resolution No. 6-28-07-261** -- Authorizing The Mayor To Execute An Escrow Agreement Between The City Of Irving And FedEx Freight East, Inc. To Construct Turn Lane Improvements On Belt Line Road North Of Hunter Ferrell Road
- 24 **Resolution No. 6-28-07-262** -- Approving Addendum No. 1 To The Engineering Services Agreement With Freese And Nichols, Inc. In The Amount Of \$61,850.00 For Engineering Services Associated With A Unidirectional Flushing Program, A Chlorination Feasibility Study And Miscellaneous Electrical Improvements At The Carbon Road Pump Station
- 25 **Resolution No. 6-28-07-263** -- Approving Change Order No. 1 To Blastco Texas, Inc. For The Rehabilitation Of The Walnut Hill Elevated Storage Tank, Tank Nos. 2

And 3 At The MacArthur Pump Station And Tank No. 1 At The Hackberry Pump Station

- 26 Resolution No. 6-28-07-264** -- Change Order No. 1 To Business Professional Staffing In The Net Amount Of \$24,707.00 For The Period Of July 15, 2007, Through September 30, 2007, And \$3,263.00 For The Period Of October 1, 2007, Through November 14, 2007, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Human Resources Department For Temporary Personnel Services
- 27 Resolution No. 6-28-07-265** -- Change Order No. 1 To Maloney Strategic Communications In The Net Amount Of \$150,000.00 For Advertising Agency Representation
- 28 Resolution No. 6-28-07-266** -- Change Order No. 1 To Destination Analysts, Inc. In The Net Amount Of \$29,500.00 For Market Research and Evaluation Program for the City of Irving/Convention And Visitors Bureau
- 29 Resolution No. 6-28-07-267** -- Purchases Funded In The 2006-2007 Budget
- (A) Award -- Approving Award To Advanced Interactive Systems For The Replacement Of The Judgmental Training Simulator System PRISim™ As A Sole Source Expenditure In The Net Amount Of \$99,158.00 In The Current Fiscal Year And For The Purchase Of Extended Warranty In The Net Estimated Amount Of \$30,000.00 To Be Expended Next Fiscal Year, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Police Department
 - (B) Bids -- Annual Bid For Traffic Paint Awarded To Ennis Paint, Inc. In The Net Estimated Amount Of \$20,773.50 For The Period Of August 1, 2007, Through September 30, 2007, And \$22,723.25 For The Period Of October 1, 2007, Through July 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Traffic Division
 - (C) Bids -- Annual Bid For Glass Sphere Beads Awarded To Canada Mostin Trading Corporation In The Net Estimated Amount Of \$11,440.00 For The Period Of July 1, 2007, Through September 30, 2007, And \$14,560.00 For The Period Of October 1, 2007, Through June 30, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Traffic Division
 - (D) Bids -- Renewal Of Bid With Vulcan Signs And 3M Company For Reflective Sign Material In The Net Estimated Amount Of \$13,143.75 For The Period Of August 1, 2007, Through September 30, 2007, And \$39,431.25 For The Period Of October 1, 2007, Through July 31, 2008, Subject To Funds Being Appropriated In Fiscal

Year 2007-2008, To Be Used By The Public Works Department/Traffic Division

- (E) Bids -- Renewal Of Bid With Vulcan Aluminum For Aluminum Traffic Sign Blanks In The Net Estimated Amount Of \$17,836.91 For The Period Of July 1, 2007, Through September 30, 2007, And \$35,673.84 For The Period Of October 1, 2007, Through June 30, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Traffic Division
- (F) Bids -- Annual Bid For Repair/Installation Of Sprinkler Systems, Landscaping, And/Or Fences To Oasis Landscape Co. In The Net Estimated Amount Of \$5,635.00 For The Period Of September 1, 2007, Through September 30, 2007, And \$61,985.00 For The Period Of October 1, 2007, Through August 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Water Utilities Division
- (G) Bids -- Renewal Of Bid With Micro-Systems For Water Utilities Instrumentation Services In The Net Estimated Amount Of \$5,406.25 For The Period Of September 1, 2007, Through September 30, 2007; \$64,875.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$59,468.75 For The Period Of October 1, 2008, Through August 31, 2009, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Public Works Department/Water Utilities Division
- (H) Bids -- Renewal Of Bid With Artex Overhead Door Company For Overhead Doors And Security Gates Installation And Repair In The Net Estimated Amount Of \$4,500.00 For The Period Of July 1, 2007, Through September 30, 2007; \$18,000.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$13,500.00 For The Period Of October 1, 2008, Through June 30, 2009 Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Equipment And Building Services Department
- (I) Bids -- Annual Bid For Heavy Equipment Maintenance Part 3 To Holt Texas LTD dba Holt Cat In The Net Estimated Amount Of \$39,000.00 For The Period Of July 1, 2007, Through September 30, 2007, And \$76,000.00 For The Period Of October 1, 2007, Through May 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Equipment And Building Services Department/Fleet Maintenance Division
- (J) Bids -- Annual Bid For Biodiesel Fuel To W. Douglass Distributing In The Net Estimated Amount Of \$256,320.00 For The Period Of June 28, 2007, Through September 30, 2007; \$1,025,282.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$768,962.00

For The Period Of October 1, 2008, Through July 31, 2009, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Administered By The Equipment And Building Services Department/Fleet Maintenance Division

- 30 Ordinance No. 8824** -- Budget Adjustment To The 2006-2007 Fiscal Year Budget
- I. General Fund
 - II. Equipment Replacement Fund
 - III. Economic Development Fund
 - IV. Lee Park Recreation Center Fund
 - V. Downtown and Events Fund
 - VI. Computer Replacement Fund
 - VII. Convention Center Fund
 - VIII. EMS Grant Fund
 - IX. Donations Fund
 - X. ICVB Building Fund
 - XI. Irving Arts Center General Fund
 - XII. Irving Arts Center Theater Reserve
 - XIII. Municipal Drainage Utility Fund
- 31 Ordinance No. 8814** -- Second Reading -- Granting A Franchise To G.P.D.A., Inc. dba King Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 32 Ordinance No. 8815** -- Second Reading -- Granting A Franchise To Trash Truck Repair dba Triplett Waste Services For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

This concludes the consent agenda approving items #2 through 32.

ZONING CASES

- 33 Resolution No. 6-28-07-268** -- Postponing To August 16, 2007 The Consideration Of An Ordinance Granting S-P-2 (Generalized Site Plan) For R-TH (Townhouse) Uses In Zoning Case #ZC07-0004 -- A 1.281 Acre Tract Located On The Block Bounded By Hemingway Court, Michener Way, Steinbeck Lane And Chaucer Hill Lane -- Spiars Engineering, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Councilman Meagher moved to postpone this item to the August 16, 2007, City Council meeting. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.

- 34 Resolution No. 6-28-07-269** -- Denying The Consideration Of An Ordinance Granting S-P-1 (Detailed Site Plan) For R-6 (Single Family) Uses in Zoning Case #ZC07-0009 -- A 0.221 Acre Tract Located At 3117 Bryn Mawr Drive (Northwest Corner Of Bryn Mawr And Santa Clara Street) -- Ivan Ivanov, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Councilwoman Cannaday stated that she will be recommending denial based upon previous violations received by the applicant.

The applicant Ivan Ivanov, 3117 Bryn Mawr, stated that he requested postponement to the August 2, 2007, City Council meeting to have additional time to talk to his neighbors and ask for their support on other properties that he owns.

Manager of Urban Development Steve Reed gave a brief explanation on this item.

Director of Inspections Gary Miller also gave a brief presentation on this item.

The following registered to record their opposition of this item, but did not wish to speak:

Jerry Hayes, 3320 N. Britain Road
Harrel E. Chamblee, 3205 N. Britain Road
Nancy Wilson, 2911 Bryn Mawr

After Council discussion, **Councilwoman Cannaday moved to deny this zoning case. Seconded by Councilman Spink, the motion was approved by a vote of 8-0.**

- 35 Resolution No. 6-28-07-270** -- Preliminary/Final Plat -- Cottonwood Hill Estates Revised Addition -- A 0.8088 Acre Tract Located At 4028, 4032 and 4036 East Hill Drive -- Twin Oaks Management Company, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

The person representing the Twin Oaks Management Company was present to answer any questions.

Councilman Stopfer moved to approve the resolution as presented. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.

- 36 Ordinance No. 8825** -- Zoning Case #5681 -- Granting S-P-1 (Detailed Site Plan) For ML-20a (Light Industrial) And Outside Storage Uses -- An Approximately 0.713 Acre Tract Located At 1513 Maryland Drive -- C.T. And S., Inc., Applicant **(Postponed At The May 24, 2007 And June 14, 2007 City Council Meetings)**

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

The applicant Bruce Witter C.T. and S., Inc., 1513 Maryland, gave a brief presentation.

Councilman Meagher moved to approve the ordinance as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.

- 37 Ordinance No. 8826** -- Zoning Case #5687 -- Granting S-P-1 (Detailed Site Plan) For R-AB (Restaurant With Alcoholic Beverages) Uses -- A 0.081 Acre Tract Located At 7300 North MacArthur Boulevard (Northeast Corner Of MacArthur Boulevard And State Highway 161) -- Paradigm Consulting Architects, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Kevin Hulsey, 1121 John McCain Road, Colleyville, Texas with Paradigm Consulting Architects, representing the applicant presented the case.

Councilman Meagher moved to approve the ordinance as presented. Seconded by Councilman Smith, the motion was approved by a vote of 8-0.

- 38 Ordinance No. 8827** -- Amending The Comprehensive Plan To Change The Recommended Land Use From Urban Center District To Multiple Family - High Density Residential, Approving A Community Framework Plan, Granting TOD (Transit Oriented District) And S-P-2 (Generalized Site Plan) For R-MF-2 (Multifamily) District Uses And Removing The Urban Business Overlay District In Zoning Case #5697, And Approving Multifamily Concept Plan MF07-0001 -- An

Approximately 29.4 Acre Tract Located On The North Side Of Spur 348, East Of The Las Colinas Boulevard Right-Of-Way -- Womack & Hampton Architects, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, representing the applicant presented the case.

Councilwoman Van Duyne stated that she is concerned that this case adds more multi-family units in the city.

Mayor Gears stated that this is the first "Transit Oriented Development" case, and represents positive development.

Councilman Meagher moved to approve the ordinance as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 6-2, with Councilwoman Van Duyne and Councilman Spink voting in opposition.

- 39 Ordinance No. 8828 -- Zoning Case #ZC07-0002 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) District Uses -- An Approximately 1.63 Acre Tract Located At 3920 Jackson Street -- JDJR Engineers & Consultants, Inc., Applicant (Postponed At The June 14, 2007 City Council Meeting)**

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

The applicant Jim Dewey, JDJR Engineers, 2500 Texas Drive #100, presented the case.

The following registered to speak in opposition of this item.

Dennis Webb, 520 Gilbert Road

The following registered to speak in favor of this item:

Bobby Perry, Cavalia Homes, LLC, 6136 Frisco Square Blvd. #400, Frisco, Texas 75034

Lucy Sotelo, 3912 William Dehaes Drive #1185

Yusuf A. Shaikh, 2436 Wingren Road #2029

Edward Lindamood, 4413 Rainier Street #167

Erica Lindamood, 4413 Rainier Street #167

Andrea Bonds, 1835 W. Pioneer

Jon Bonds, 1835 W. Pioneer

Phil Smith, 1802 Puritan Drive

Linda Humphrey, 3942 William Dehaes

Breana Chatman, 1402 Esters Road #2005

Brenda Fowlkes, 1402 Esters Road #2005

Carole Shlipak, 1500 Colony Drive

Nancy Wilson, 2911 Bryn Mawr

After Council discussion, Councilman Smith moved to approve the ordinance as presented. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.

- 40 Ordinance No. 8829** -- Amending The Comprehensive Plan From "Single Family - Low Density Residential" To "Retail" And Granting C-N (Neighborhood Commercial) Uses In Zoning Case #ZC07-0006 -- An Approximately 0.106 Acre Tract Located At 628 Thompson Street -- Othman B. Hindieh, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

The applicant Othman B. Hindieh, 628 Thompson Street, presented the case.

Councilman Meagher asked if the applicant would consider building further from the neighboring house.

Councilman Stopfer moved to approve the ordinance as presented. Seconded by Councilman Smith, the motion was approved by a vote of 8-0.

- 41 Ordinance No. 8830** -- Zoning Case #ZC07-0007 -- Granting S-P-2 (Generalized Site Plan) For R-7.5 (Single Family) District Uses -- An Approximately 0.28 Acre Tract Located At 501 South Tanglewood Drive -- Robert And Anna Joe Hale And Kenneth Cadenhead, Applicants

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

The applicant Kenneth Cadenhead was present.

Councilwoman Cannaday moved to approve the ordinance as presented. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.

- 42 Resolution No. 6-28-07-271** -- Zoning Case #ZC07-0008 -- Denying S-P-2 (Generalized Site Plan) For R-7.5 (Single Family) Uses -- An Approximately 0.411 Acre Tract Located At 2000 Rosebud Drive -- Sylvia Olson, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Cruz L. Dominguez, Engineering Consulting and Planning Services, 209 S. Jefferson, representing the applicant presented the case.

The following registered to speak in opposition of this item:

Linda Lee, 808 South Wildwood
Don Loudermilk, 817 South Wildwood

Councilman Meagher moved to deny the zoning case. Seconded by Councilman Smith, the motion was approved by a vote of 8-0.

INDIVIDUAL CONSIDERATION

- 43 Ordinance No. 8831** -- Amending Chapter 18 Entitled "Food And Food Establishments" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Providing Amendments, Modifications, And Deletions To Definitions, Food Handler Requirements, A Permit Fee Increase, And Permit Compliance And Enforcement Of The Texas Food Establishment Rules, Previously Adopted And Amended; Providing Affirmative Defenses; Providing A Severability Clause; Preserving Pending Actions Under The Existing Ordinance; And Providing An Effective Date

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers

Director of Community Services Paul Gooch gave a brief presentation on this item.

The following registered in support, but did not wish to speak.

Maura Gast
Pam Brown
Clem Lear
Gail Jackson

Councilman Meagher moved to approve the ordinance as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.

- 44 Resolution No. 6-28-07-272** -- Approving An Agreement Between The City Of Irving And The South Irving Development Initiative For A Bank Line Of Credit Loan Facility For Landbanking

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Councilman Meagher moved to approve the resolution as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.

- 45 Resolution No. 6-28-07-273** -- Approving A Professional Services Agreement With First Southwest For The Design Of A Comprehensive Financial Model For A Long Range Capital Financing Plan For Water And Sewer Enterprise

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Councilman Stopfer moved to approve the resolution as presented. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.

- 46 Resolution No. 6-28-07-274** -- Approving The Appointment Of City Attorney For The City Of Irving.

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Councilman Spink moved to approve the resolution appointing Charles R. Anderson as the City Attorney. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.

APPOINTMENTS AND REPORTS

- 47** Committee And Liaison Report/Meetings

There were no reports given.

- 48** Mayor's Report

There was no report given.

- 49** The meeting adjourned at 9:30 p.m.

CITIZEN FORUM

Clare Morris, 8605 Forest Glen Drive, addressed the Mayor and Council regarding the Irving Animal Shelter and asked why the medical budget was cut for the animals.

Betty Yarbrough, 204 7th Street, also addressed the Mayor and Council regarding the Animal Shelter commending the operations, but asked that a software system is needed at the Animal Shelter for record tracking. It is still done manually.

Michael McPhail, 815 Dixon Drive, addressed the Mayor and Council regarding the poor quality of apartments near Barton Estates subdivision.

Freda Boatright, 1702 Waldrop Street, addressed the Mayor and Council regarding illegal immigration issues.

Oscar Ward, 608 Farine Drive, addressed the Mayor and Council regarding the Citizen Forum and asked that it be televised again.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, provided a letter to the Council requesting funding for displaced families due to the action of the City to close substandard multi-family structures.

Marla Jackar, 621 Beacon Hill, was not present to speak.

Lucia Rottenberg, 2220 Indian Creek, addressed the Mayor and Council about protocol regarding the speaking order at the City Council meetings and that guidelines should be

followed by all speakers.

Mary Chapin, 1013 N. Sleepy Hollow, was not present to speak.

Nancy Wilson, 2911 Bryn Mawr, also spoke about the Citizen Forum being televised. She also spoke about housing ordinances.

Jerry Hayes, 3320 N. Britain Road, spoke to the Mayor and Council regarding code enforcement issues in the city. He also stated that he would like the Citizen Forum to be televised again.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary